

REMARKS

Objection to Abstract:

The Examiner has objected to the abstract, stating that it does not disclose the correct formula of the compound now claimed. Applicants respectfully disagree. Specifically, the abstract, as previously submitted with the Response to Missing Parts on July 19, 2004, has corrected the formula of the quinazolinones to define the number of R₁ substituents that may be present on the quinazolinone fused ring structure. That number now is represented by the subscript variable "n", which is defined as "1 or 2" below the formula. A copy of the abstract is attached.

Claim amendments:

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner states that the word "compounds" in claim 1 is confusing and that it is not clear to whom the compound is administered. Applicants have amended the word "compounds" in claim 1 to "compound", and have further amended the claim to recite a "method for treatment of a tumor sensitive to the compound below, in need of said treatment comprising. . . .". These amendments overcome the Examiner's rejection and no new matter is added.

The Examiner has further noted that the dependent status of claim 2 is unclear. In accordance with the Examiner's suggestion, applicants have amended claim 2 to recite "[t]he method according to claim 1. . ." to indicate clearly the dependent status of the claim.

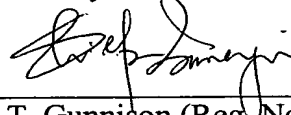
Finally, in order to overcome the Examiner's objection to the lack of antecedent basis for the word "cancer", applicants have amended claim 3 to recite, "wherein the tumor is associated with breast cancer. . . ." In addition, the inadvertent spelling error in the term "cervix" in claim 3 has been corrected.

Terminal disclaimer:

Claims 1-3 also stand rejected for obviousness-type double patenting over claims 1-3 of U.S. Patent 6,420,371. Accordingly, attached hereto is a Terminal Disclaimer disclaiming the portion of the term of any patent to be granted on this application which would extend beyond the expiration of U.S. Patent 6,420,371. In view of the Terminal Disclaimer, the obviousness-type double patenting rejection of claims 1-3 has been overcome.

In view of the amendments made and the terminal disclaimer filed herewith, the claims are now in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



Jane T. Gunnison (Reg. No. 38,479)
Barbara A. Ruskin (Reg. No. 39,350)
Shilpi Banerjee (Reg. No. 53,965)
Attorneys for Applicant
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090